

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

HENRY L. MURPHY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:05-CV-501-T
)	
JIMMY ABBETT, et al.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE THEIR SPECIAL
REPORT AND ANSWER**

COME NOW Tallapoosa County Sheriff Jimmy Abbett, Jail Administrator Blake Jennings, Carolyn Moss, Robie Frazer, Brian Woods, and Sergeant Glenda Williams, Defendants in the above-styled cause, and request an extension of time in which to file their Special Report and Answer. As grounds for their request, the Defendants state as follows:

1. The Plaintiff in this case filed another Complaint against Sheriff Jimmy Abbett and Jail Officials employed by the Tallapoosa County Sheriff's Department on April 13, 2005. See Case No. 3:05-cv-00435-MEF-DRB. A Special Report and Answer was filed by the Defendants on July 5, 2005. This Court entered a judgment in favor of the Defendants on August 25, 2005.

2. The Plaintiff filed the Complaint in the instant case against Sheriff Jimmy Abbett and Jail Officials employed by the Tallapoosa County Sheriff's Department on May 27, 2005.

3. The jail officials inadvertently believed that the filings in the instant case were simply part of the previous case that the Plaintiff had filed.

4. Therefore, defense counsel was not apprised of the need to file a Special Report in the instant case until after the deadline had passed. In fact, counsel for Defendants just recently

became aware of the existence of this lawsuit when the undersigned happened to see the case listed on the Court's Pacer website.

5. Defense counsel is in need of additional time in which to fully investigate this matter in order to provide this Court with a meaningful and complete Special Report.

6. Therefore, the Defendants request that the Court allow the Defendants forty days from the date of this Motion to file their Special Report and Answer.

WHEREFORE the Defendants request this Court grant their Motion for extension of time in which to file their Special Report and Answer up to March 27, 2006.

Respectfully submitted this 14th day of February, 2006.

s/Amanda Kay Morgan

GARY L. WILLFORD, JR. Bar Number: WIL198

AMANDA KAY MORGAN Bar No. ALL079

Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of February, 2006, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Henry L. Murphy
Tallapoosa County Jail
316 Industrial Park Drive
Dadeville, AL 36853

s/Amanda Kay Morgan
OF COUNSEL